



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/569,492 | 02/27/2006 | Nobuo Naito | 127199 | 3472 |
| 25944 7590 02/10/2011 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850 | | | | |
| EXAMINER | | | | |
| CHANG, VICTOR S | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1788 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 02/10/2011 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarnstrong@oliff.com

Office Action Summary

Application No.

10/569,492

Applicant(s)

NAITO ET AL.

Examiner

VICTOR S. CHANG

Art Unit

1788

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 and 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicants' amendments and remarks filed on 1/18/2011 have been entered. Claim 4 has been amended. New claims 13 and 14 have been entered. Claims 4, 5, 13 and 14 are active.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. In response to the amendments, the grounds of rejection have been updated as set forth below. Rejections not maintained are withdrawn.

Claim Rejections - 35 USC § 112

4. Claims 4, 5, 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, in claim 4, the term "specific-wavelength-light" is vague and indefinite. What is the scope of the "specific-wavelength" being claimed? Clarification is required in the next reply.

Rejections Based on Prior Art

5. Claims 4, 5, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa et al. (US 6090473) in view of Ozawa (US 6638624).

Yoshikawa's invention relates to an electromagnetic wave shielding and light transmitting plate for a front filter of a plasma display panel. See col. 1, ll. 8-10. Fig. 6a illustrates an embodiment of the filter comprising successively an antireflective layer 65, a transparent substrate 62A, and an adhesive layer 64. See col. 17, ll. 15-22. The adhesive layer may include small amounts of ultraviolet absorbing agent, infrared absorbing agent, and coloring agent, etc. See col. 11, ll. 19-22.

For claims 4 and 5, since Yoshikawa's filter is inherently transparent for viewing the plasma display, the base resins used are necessarily transparent. Yoshikawa lacks a teaching of forming a discrete transparent resin layer which consists of a near infrared absorbing agent, and an adhesive layer consists of a coloring agent for color tone correction. However, Ozawa's invention relates to a plasma display panel filter comprising a coloring matter (coloring agent) for controlling the tone (color tone correction) of an electronic display device or increasing the purity of luminescence color (color adjustment). See Abstract and col. 1, ll. 10-14. Various known coloring matter includes anthraquinone, azo, etc. See col. 13, ll. 63-67. The filter can have additional layers, such as a near-infrared (IR) absorbing layer, an antireflection layer, and the like. These layers may be provided in an arbitrary order. See col. 15, ll. 27-32. The near-IR absorbing layer can be provided as an independent resin layer containing a near-IR absorber. See col. 15, ll. 38-40. It would have been an obvious modification to one of ordinary skill in the art

to modify Yosikawa with an additional independent layer consisting of a near infrared absorbing agent in a transparent resin sandwiched between the transparent substrate and an adhesive layer, and modifies the adhesive layer to be consisting of a coloring agent for color tone correction, as taught by Ozawa. The selection of a known equivalent material based on its suitability for its intended use supported a prima facie obviousness determination. As to the coloring agent for color tone adjustment, since it is optional, there is no requirement for the prior art to provide or account for the limitation, because it does not constitute a limitation in any patentable sense.

For new claims 13 and 14, since the coloring agent for color adjustment is optional, it is not being considered as set forth above, and the term “different” is meaningless, and the claimed limitation bears no weight on patentability. Further, even if it is considered, since Ozawa teaches various color matter can be used for color tone correction or color adjustment, selecting different color matter, such as anthraquinone and azo for different functions in separate layers is deemed to be obviously provided by practicing the teachings of Ozawa.

Response to Arguments

6. In view of the updated grounds of rejection, since the collective teachings of prior art render the structure and composition of the claimed invention obvious as set forth above, applicants’ arguments on Remarks pages 7-13 have been considered, but are unpersuasive.

Applicants argue at page 14:

Yoshikawa does not provide for easy and secure adjustment of the transmittance and color tone correction properties. In Yoshikawa, adjustment of these properties necessarily affects the near infrared rays absorbing layer. Adjustment of the properties thus also requires adjustment of the near infrared rays absorbing layer. Yoshikawa does not teach or suggest, and provides no reason or rationale for, modifying its

unitary structure to instead provide two separate laminated layers, in the manner as claimed.

However, applicants' repeated argument directed to Yoshikawa individually again ignores the basis of rejection is the collective teachings of prior art, and is unpersuasive.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR S. CHANG whose telephone number is (571)272-1474. The examiner can normally be reached on 6:00 am - 4:00 pm, Tuesday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor S Chang/
Primary Examiner, Art Unit 1788